

§560.—Who to pay costs in criminal actions.

If a defendant be acquitted, or judgment against him arrested, the costs, including the fees of all witnesses summoned and actually examined for the accused, whom the Judge before whom the trial took place, shall certify to have been necessary or proper for his defence, shall be paid by the prosecutor, if any be marked on the bill, unless the Judge shall certify that there was reasonable ground for the prosecution, and that it was required by the public interest. If there be no prosecutor, or if the Judge shall certify as aforesaid, the costs shall be paid by the county in which the bill was found.

§561.—Half fees if convict insolvent.

The costs in criminal actions shall in all cases be paid by the person convicted, if he be able; but if he be not able, the county where the bill was found shall pay the costs of the prosecution only; and in that case the public officers shall receive only half the fees otherwise allowed.

§562.—How fees of officers received.

If any officer to whom fees are payable by any person, shall fail to receive them at the time the service is performed he may have judgment therefor on motion to the court in which the action is or was pending, upon twenty days notice to the person to be charged, at any time within one year after the determination of the action in which the same was performed, if the motion for judgment be in behalf of the Clerk of the Superior Court, it shall be made to the Judge of the Court in or out of terms.

CHAPTER II.**FEES OF SOLICITORS.****§563.—When to receive fees—salary.**

The Solicitor shall receive no fees, except in case of judgment rendered against the accused; unless in cases where,